

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HELIO J. LEAL DE LA HOZ,)
Plaintiff,) CASE NO. C17-1428 RSM
v.) ORDER DIRECTING PLAINTIFF TO
CAPITAL ONE CREDIT CARDS) AMEND COMPLAINT
Defendant.)

)

Pro Se Plaintiff Helio J. Leal de La Hoz, a Seattle resident, filed his Complaint on September 26, 2017. Dkt. #4. Summons have not yet been issued.

Plaintiff appears to make claims of fraud and harassment arising from Defendant's alleged failure to close Plaintiff's credit card account due to his inability to make payments. *Id.* Plaintiff alleges that he has suffered damage to his credit report, which has prevented him from obtaining loans to buy a car and a computer, and emotional distress, as a result. *Id.* Plaintiff also asserts that Defendant's continued use of the words "please," "thank you," "good" and "no," have triggered his PTSD symptoms. *Id.* Plaintiff seeks over \$500 million in monetary damages.

As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor Co./Citibank (South Dakota)*, N.A., 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the

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1 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the
2 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
3 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
4 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
5 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
6
7 *See* 28 U.S.C. § 1915(e)(2)(B).

8 In this case, Mr. Leal de La Hoz fails to identify any basis for federal jurisdiction in his
9 Complaint. He fails to explain how Defendant has violated any federal or other law. This is
10 particularly problematic given the exhibits attached by Plaintiff, wherein Defendant explains to
11 Plaintiff that it has received his request to close the account and the account has been marked for
12 closure, but that as long as a balance remains the account cannot be closed and interest will
13 continue to accrue. Dkt. #4, Ex. B. Accordingly, Plaintiffs' Complaint suffers from deficiencies
14 that, if not corrected in an Amended Complaint, require dismissal.
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16 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
17 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,
18 Plaintiff must include a short and plain statement demonstrating to the Court that there is a legal
19 basis for his claims. Plaintiff shall identify what law or laws it believes Defendant has violated
20 through its alleged conduct.

21 In addition, **Plaintiff is reminded that he is not to include personal identifiers in his**
22 **Amended Complaint, such as complete bank or credit card account numbers, social**
23 **security numbers, and the like, and that such information should be redacted or removed**
24 **from his documents before filing.**

1 The Clerk shall send a copy of this Order to Mr. Leal de La Hoz at 77 S. Washington St.,
2 Seattle, WA 98104.

3 DATED this 27th day of September 2017.

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE